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CUTLER'S
LAW OF
NATURALIZATION.
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THE LAW
OF
NATURALIZATION,

AS AMENDED BY
THE NATURALIZATION ACTS, 1870.

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The Law of Naturalization.

AS ALTERED BY

“THE NATURALIZATION ACT, 1870.”

IN any work dealing with the Naturalization Act, 1870, it would seem advisable, before taking up the statute itself, to give a brief sketch of the antecedent English law relative to the *status* or condition of subjects and aliens, with a reference now and then, by way of comparison, to the kindred laws of foreign States. This sketch, from its brevity, will necessarily be imperfect. It may suffice, however, to put those not familiar with such antecedent law in a position better to understand the statute of last session, and the sweeping changes which it effects. Those who may wish to dive deeper into the subject are referred to the published Report of the Royal Commissioners for inquiring into the Laws of Naturalization and Allegiance, upon which the statute is to a great extent founded, and which is a storehouse of information as to the laws upon the subject. In such a sketch four points ought to be brought out:—(1.) Who were

aliens before the statute of last session? (2.) Who were British subjects? (3.) How a British subject could become an alien. And (4.) How an alien could become a British subject.

The rule of the English common law is simple enough. Every person born within the dominions of the Crown, no matter what his parentage, is a British subject, except the children of foreign sovereigns or ambassadors, who, by a fiction of law, are considered as at home all the time that they are abroad; and every person born out of the dominions of the Crown is an alien. Therefore, children of French parents born in England are British subjects, and children of British parents born abroad are aliens. Thus the common law adopted only the *jus soli* or territorial test of nationality, and paid no attention to the *jus sanguinis*, or the test of descent. This simple rule was soon changed, and by a succession of statutory alterations the law was brought into the shape in which it existed immediately before the Act of last session, viz., that all persons born within the dominions of the Crown, and all persons born abroad* whose fathers or grand-

* By the joint effect of 4 Geo. II. c. 21, and 13 Geo. III. c. 21. An exception is, however, made of those whose fathers were at the time of their birth attainted of high treason, or liable to the penalties of high treason or felony, in case of their return to the United Kingdom without royal license, or are in the actual service of any prince or State at enmity with the Crown. Mere abjuration of his allegiance to the Crown by a British subject does not, however, deprive his children or grandchildren of the benefit of these statutes.

fathers on the father's side were born within the dominions of the Crown, were British subjects, and all other persons aliens. (For simplicity sake the conversion of aliens into British subjects by naturalization is for the present disregarded.) These statutory alterations, although they made the children of a British father and an alien mother born abroad British subjects, did not confer the same *status* on the children of a British mother and an alien father born abroad; but by an Act of the present reign* such children, though not made British subjects, were made capable of taking and holding real and personal property. With regard to the kindred rules of foreign legal systems, the law of the United States is substantially† the same as that of England. In France‡ the provisions of the Code Napoleon are in effect that the child of a French father is a French subject; but a child born abroad of a French father, who has lost his French nationality, must claim French nationality within a year of his majority, and establish himself in France if not already established; and the same applies to a child born in France of alien parents. In Prussia and Austria the child of a subject wherever born is a subject, and the child of an alien is an alien.

The difference between the status of a British subject and that of an alien in this country must

* 7 & 8 Vic. c. 66.

† See Cockburn on "Nationality," p. 12.

‡ Report of the Royal Commissioners. Appendix, p. 19.

next be discussed. Both British subjects and aliens while in the dominions of the Crown owe allegiance to the Crown; but in the case of British subjects the allegiance owed is natural allegiance* (*i. e.* that which a subject owes to his sovereign wherever he may be); whereas in the case of the alien the allegiance owed is local allegiance (*i. e.* that which a person owes to the sovereign of the country in which he may happen to be). Allegiance, it may here be remarked, is co-relative with protection;† and, therefore, as an alien owes no allegiance to the British Crown, except while resident within the dominions of the British Crown, he is not entitled to any protection except while so resident; but, as a British subject owes allegiance to the Crown while resident abroad, he is equally entitled to protection abroad. The difference then between the status of a British subject and that of an alien consists in the latter being subject to certain disabilities which the former is not, although the tendency of legislation has always been to reduce these disabilities to a *minimum*. Thus aliens once paid taxes which British subjects did not—*e. g.* the famous aliens' duty, imposed in the reign of Edward I.—but they do so no longer. In short, the disabilities of aliens were at the commencement of the present year

* As to the difference between natural and local allegiance, see Stephen's "Commentaries," vol. ii., p. 430.

† See Forsyth's "Cases and Opinions on Constitutional Law," p. 334.

but four in number, viz. (1) they were incapable of any political rights; (2) they were incapable of political rights, and could not hold any office of trust; (3) they could not own British ships; and (4) they could not hold real estate, except upon lease for a term not exceeding twenty-one years; which last disability has been removed by the Act of this session. In all other respects an alien while on British soil has exactly the same rights and privileges as a British subject. He can sue* and be sued in any court. He can be made bankrupt. The policy of the country is† to encourage foreigners to settle here for the purposes of trade, as well as to afford them, whether their estate be high or low, a secure asylum in times of trouble and reigns of terror; and even when a war breaks out between this country and the State to which an alien belongs, the alien would be permitted to continue his residence in this country so long as he conducts himself peaceably on the footing of an alien friend.

The next question is—how could an alien become a British subject? and the answer is—in two ways: by denization or naturalization. As to denization little need be said. The granting of letters of denization

* An alien plaintiff may be called upon to give security for costs, and an alien defendant in action to recover £20 or upwards may be arrested before judgment, if there is reasonable cause to believe that he is about to quit the country.

† As to the legislation for and against alien merchants, see Cockburn on "Nationality," p. 146.

is a branch of the Royal Prerogative, and remains untouched by the Act of last session, although letters have been but rarely applied for since the year 1844. A denizen, to quote Stephen's "Commentaries" (vol. ii., p. 438), "is in a kind of middle state between an alien and a natural-born subject, and partakes of both of them. He may take lands by purchase or devise which an alien in general may not, but cannot take by inheritance, for his parent (through whom he must claim) being an alien, had no inheritable blood, and therefore could convey none to his son. And upon a like defect of hereditary blood, the issue of a denizen born *before* denization cannot inherit to him, but his issue born *after* may. And no denizen can be of the Privy Council or either House of Parliament, or have any office of trust, civil or military, or be capable of any grant of lands, &c., from the Crown."

Naturalization was effected in England (for it is impossible to touch on naturalization in the colonies in so brief a sketch)* in one of four ways—(1) by Act of Parliament; (2) by certificate of a Secretary of State under the 7 and 8 Vict. c. 66; (3) by marriage (an alien woman marrying a British subject becomes thereby naturalized);† (4) by rendering certain services to the State, in return for which an alien once became *ipso facto* naturalized—*e.g.*, setting up and using certain trades for three years in England, Wales, or Berwick-on-

* But see Cockburn on "Nationality," p. 37.

† 7 & 8 Vict. c. 66, s. 16.

Tweed,* by serving two years on board an English man-of-war or merchant ship,† and, in the case of foreign Protestants, by serving on whale ships for three years.‡ But the statutes creating these methods of naturalization were repealed by the 30 and 31 Vict. c. 59. Putting aside for simplicity the third and fourth methods, it may be said that up to the year 1844 an Act of Parliament was the only means of obtaining naturalization open to an alien. The objection thereto was the expense involved,§ which was only partially removed by the practice that prevailed of two or more aliens clubbing together to obtain an Act to naturalize them all. After the passing of the 14 Geo. IV. c. 84, it was a condition precedent to an Act being passed that the alien should have resided within British territory for seven years, without having been absent for more than two months; and up to the year 1844|| every Act naturalizing an alien contained a clause disabling him from being a member of the Privy Council or of either House of Parliament, and from taking any offices or places of trust, either civil or military, or receiving a grant of Crown lands; but such clauses were usually omitted in the case of foreign Princes, or

* 15 Chas. II. c. 15.

‡ 22 Geo. II. c. 45.

† 13 Geo. II. c. 3.

§ About £100.

|| This was on account of the joint operation of 12 & 13 Will. III. c. 2. and 1 Geo. I. st. 2, c. 4. The provisions of the latter Act were repealed, as far as they affected Bills of Naturalization, by 7 & 8 Vict. c. 66, s. 2, and the Act itself was repealed by 30 & 31 Vict. c. 59.

persons distinguished by their rank or services—*e.g.*, in the case of the late Prince Consort. In 1844 was passed the 7 and 8 Vict. c. 66, by which the granting of certificates of naturalization to aliens by a Secretary of State was authorised.* A certificate granted under this Act gave to the grantee “all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit, except that such alien should not be capable of becoming of Her Majesty’s Privy Council, nor a member of either House of Parliament, nor of enjoying such other rights and capacities, if any, as shall be specially excepted in and by the certificate.” In practice there was always specially excepted in and by the certificate the “rights and capacities of a natural-born British subject out of and beyond the dominions of the British Crown and the limits thereof, other than such as may be conferred upon him by the grant of a passport from the Secretary of State to enable him to travel in foreign parts;” and it was by the certificate provided that “all before-mentioned rights and capacities of a natural-born British subject were granted to the grantee upon the condition that he should continue to reside perma-

* Naturalization by certificate almost entirely superseded that by Act of Parliament. From the end of 1844 up to the middle of 1868 there were 5,835 certificates granted, while during the same period but nine persons were naturalised by statute. The comparative expense was:—Letters of denization, £120; private Act of Parliament, £100; and certificate of naturalization, 17s. 6d.

nently within the United Kingdom, and that if at any time thereafter he should voluntarily be absent from the United Kingdom for a period of six months at any one time, without licence in writing under the hand of one of Her Majesty's principal Secretaries of State, he should be deemed to have ceased to reside permanently within the United Kingdom; and then and in such cases the certificate and all the rights and capacities thereby granted should absolutely cease and determine." An oath of allegiance had to be taken by the grantee within sixty days from the grant of the certificate.

In the United States* an alien desiring to be naturalized must: 1st, declare on oath his intention to become a citizen of the United States; 2ndly, must two years afterwards declare on oath his intention to support the Constitution of the United States, and renounce allegiance to every foreign Power, and particularly to that of which he was theretofore a subject; 3rdly, must satisfy the court that he has resided five years in the United States, and one year in the particular State where he makes his application, and that during that time his conduct has been that of a good citizen; and, 4thly, must renounce any title of nobility. Upon the fulfilment of these four conditions the alien becomes a citizen of the United States. In France† naturalization was somewhat altered by a law of 1867. It now stands thus:—An

* Cockburn on "Nationality," p. 38.

† Cockburn on "Nationality," p. 41.

alien must obtain permission, which he cannot do till he is twenty-one, to establish his domicile in France. After he has then resided three years (or one in special cases) in the country, he is eligible for a grant of naturalization. The French law, like that of the United States, requires that on naturalization an alien shall renounce his allegiance to his previous sovereign. This is illustrated by the story of Lord Brougham's abortive attempt to obtain naturalization in France, as told by Lord Campbell in his "Lives of the Chancellors." Lord Brougham applied for a grant of naturalization to M. Cremieux, who was Minister of Justice in the Republic of 1848. M. Cremieux informed him that "if France adopts you for one of her sons you cease to be an Englishman; you are no longer Lord Brougham, you become Citizen Brougham." Lord Brougham replied: "I never doubted that by causing myself to be naturalized a French citizen I should lose all my rights as a British peer and a British subject in France. I will retain my privileges as an Englishman only in England; in France I should be all that the laws of France allowed to the citizen of the Republic." But M. Cremieux answered: "France admits no partition; she admits not that a French citizen shall at the same time be a citizen of another country. In order to become a Frenchman you must cease to be an Englishman. You cannot be an Englishman in England and a Frenchman in France." Lord Brougham, not wishing

to give up his British nationality, was, therefore, never naturalized in France.

How can a British subject become an alien? Before the passing of the Act of last session, expatriation was a term unknown to the English law. The maxim was "*nemo potest exuere patriam*," or, to render it freely, once a British subject always a British subject. If a British subject became naturalized abroad he did not cease to be a British subject; and even abjuration of his allegiance to the British Crown by a British subject did not operate to destroy his British nationality. In fact, the only way by which a British subject could become an alien was by Act of Parliament, which is boundless in its operation, or by being a resident in a portion of the dominions of the British Crown which was ceded to or conquered by a foreign State, or what is the same in effect, had its independence recognized. Abundant illustrations* might be given of this; but one will suffice. When, in 1667, by the treaty of Breda, England ceded Surinam to Holland, and Holland ceded New York (then called Manhattan) to England, all British subjects in Surinam became Dutch subjects, and all Dutch subjects in New York became British subjects. But although the English law held that a British subject, even if naturalized in France, and his children and grandchildren born abroad, were still British subjects,†

* See Forsyth's "Cases and Opinions on Constitutional Law," p. 257, *et seq.* † See Drummond's case. 2 Knapp, 295.

the former because no British subjects could expatriate themselves, the latter by the operation of the 4 Geo. II. c. 21, and the 13 Geo. III. c. 21, yet by French law the converse did not hold good. By the Code Napoleon the quality of a French citizen is lost in three ways: — (1) by naturalization in a foreign country; (2) by acceptance, unauthorized by the head of the State, of public functions conferred by a foreign Government; (3) by any establishment in a foreign country *sans esprit de retour*—but commercial establishments were, however, never considered as having been made *sans esprit de retour*. It will be observed, then, that according to the English law a man could owe a double allegiance, or be a citizen of two States at the same time; whereas by the French law he could not. A Frenchman has always been free to transfer his allegiance from his native to any other State, but an Englishman has not.*

This doctrine of double allegiance, although occasionally productive of individual advantage,† was so often productive of public detriment‡ that the desira-

* The Roman Law according to Cicero (*Oratio pro Balbo*) was the same: “*Duarum civitatum civis esse, jure nostro civili, nemo potest.*”

† See *Wilson v. Marryat*, 8 T. R., 31, and *Marryat v. Wilson*, 1 B. and P., 430, in which it was held that a natural born British subject, who was also an American subject, was entitled in his latter capacity to trade with the East Indies, although as a British subject he would have been incapacitated because of the monopoly of the East India Company.

‡ See the diplomatic correspondence in the Appendix to the

bility of erasing the maxim *nemo potest exuere patriam* from our law, and permitting British subjects to become aliens, became so apparent, that the Royal Commissioners, in their Report, recommended that "any British subject who, being resident in a foreign country, shall be naturalized therein, and shall undertake, according to its laws, the duty of allegiance to the foreign State as a subject or citizen thereof, should upon such naturalization cease to be a British subject." This recommendation was, as will be seen, adopted in the Act of last session.

With these introductory remarks we come to the Act of last session, which it is most convenient to take, not exactly section by section, but part by part, for the Act has been divided by the framers into seven parts (although they are not so numbered), of which the first treats of the Status of Aliens in the United Kingdom; the second of Expatriation; the third of Naturalization and resumption of British nationality; the fourth of the National Status of Married Women and Infant Children; the fifth part contains what are termed "Supplemental provisions;" the sixth contains divers miscellaneous provisions; and the seventh consists of a section repealing certain Acts set out in the Schedule.

Report of the Royal Commissioners, pp. 29—52; and Cockburn on "Nationality," p. 68.

“THE NATURALIZATION ACT, 1870.”

Part I.

The first part,* then, treats of the Status of Aliens in the United Kingdom. “Real and personal property of any description,” says Section 2, “may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject.”

The great boon conferred upon aliens hereby is the capacity to hold lands and houses in fee simple, or for long terms of years, instead of, as heretofore, only upon a twenty-one years' lease. But besides being advantageous to aliens, the alteration is likely to be beneficial to the country, as removing a restriction upon the freedom given to aliens to set up trades and manufactures here. Both these propositions are illustrated by the case of Mr. Brandauer, which is quoted in the Appendix† to the Report of the Royal Commissioners.

* The Act will be found *in extenso* in the Appendix.

† Page 139.

Mr. Brandauer, an alien, carried on business at Birmingham in partnership with a naturalized British subject. On the dissolution of the partnership the factory, which was of freehold tenure, vested in Mr. Brandauer, and he being an alien it was forfeited to the Crown. The Crown re-granted it to trustees for sale in favour of Mr. Brandauer, and thus cured the defect; but the transaction cost Mr. Brandauer a considerable sum of money. His solicitors, by his directions, brought his case before the Royal Commissioners in a letter, in the course of which they said:—"Had Mr. Brandauer known originally that there was the slightest chance of his having difficulty with reference to the freehold property in Birmingham, he most likely would have been deterred from starting his manufactory in England, for it was indispensable that he should erect special and extensive buildings, as he could not find any suitable for his purpose in the neighbourhood of Birmingham. Mr. Brandauer mentions that in his own business—that of a pen manufacturer—some Frenchmen have, instead of establishing a factory at Birmingham, induced English artisans to go to Boulogne, and have now at that place the largest steel-pen manufactory in Europe, where, of course, the few skilled English hands are instructing a number of Frenchmen; and France is thus deriving similar benefits to those which England in past times enjoyed by the extradition by France of many of her best manufacturers."

All difficulties such as those which arose in the case

of Mr. Brandauer are now done away with, and the doctrine having exploded that any danger can arise from permitting aliens to hold land in England, the change in the law may be hailed with pleasure, and the more so that it assimilates the law in England on this point to that of most continental States, and indeed to that of most of our own colonies. But the section under discussion is qualified by three provisos—1st, that it is not to confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise ; and 2nd, that the section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are thereby expressly given to him ; 3rd, the section is not to have a retrospective operation so as to interfere with vested rights, or to affect dispositions of property already made. These provisions are reasonable. As to the first, aliens cannot claim under the Act to hold lands in any colony ; but, then, colonial legislatures have power to legislate on these points reserved to them by section 16. Nor would it be just to allow an alien any share in the Government of a country of which he is not a subject, and therefore he is to have no right to any franchise, parliamentary or municipal. Many an alien will doubtless get on the register, in spite of the vigilance of those who watch the registration, and being on the register will vote, but his vote would of

course be struck off upon a scrutiny. The 5th section of the Act takes away the privilege heretofore belonging to aliens of claiming to be tried by a jury *de medietate linguæ*, i.e., a jury composed half of aliens and half of British subjects.

And now a hole must be picked in the framing of the Act. The 14th section ought, as it appears, to have followed the 2nd, as being one touching the *status* of an alien; while the 3rd and 4th, which show how naturalized aliens may again become aliens, and British subjects may become aliens in certain cases, ought not to have been included in Part I., but in Part II., and ought in natural sequence to have followed section 6. It is proposed, then, to treat of sections 3, 4, and 14 in what it will be submitted are their proper places; and that being so, we shall now have to discuss section 14. By this section it is enacted that an alien shall not by the Act be qualified to be the owner of a British ship.*

* The Merchant Shipping Act of 1854 (17 & 18 Vict. c. 104) after enacting that natural-born British subjects may be owners of British ships, proceeds thus:—"Provided that no natural-born subject who has taken the oath of allegiance to any foreign sovereign or state shall be entitled to be such owner as aforesaid, unless he has subsequently to taking such last-mentioned oath taken the oath of allegiance to Her Majesty, and is and continues to be during the whole period of his so being an owner resident in some place within Her Majesty's dominions, or if not so resident member of a British factory or partner in a house actually carrying on business in the United Kingdom or in some other place within Her Majesty's dominions."

It is obviously undesirable that aliens should be the owners of ships which sail under the British flag, and are entitled to its protection. Besides, when an alien is once out of the dominions of the British Crown, he is no longer amenable to British law, and might therefore with impunity do acts, if permitted to sail a ship under the British flag, which might embroil this country in war.

Part II.

This part, with which are to be taken sections 3 and 4, treats of expatriation, and shows how a British subject may cease to be a British subject, and renounce allegiance to the Sovereign of Great Britain—a thing which, as previously pointed out, was impossible before the Act. There are four cases to provide for—1st, that of a natural-born subject who, by becoming naturalized in a foreign state, ceases to be a British subject, and becomes an alien; 2nd, that of a naturalized alien who, after naturalization, changes his mind, and wishes to become an alien again; 3rd, that of a person who, from being born within the dominions of the Crown, is a natural-born subject, but wishes to become an alien; and 4th, that of a person who, although born abroad, is by parentage a British subject, and who wishes to become an alien.

First, then, by section 6, a British subject who,

before the passing of the Act, has been, or hereafter may be, voluntarily naturalized in a foreign state while resident in that state, and not under disability, is to be deemed an alien from the time of such naturalization. It will be noticed that the naturalization must be the voluntary act of the party, who must be not under any disability (*i.e.*, must not be an infant, lunatic, or married woman). It is difficult to see why the words "not under any disability" are here introduced, because by section 10 the wife of an alien is an alien, and the infant children of a man becoming an alien by naturalization in a foreign state become aliens also, if naturalized by the naturalization of the father. Therefore the words alluded to, if they have any operation, can only apply to the case of the children of a British subject naturalized in a foreign state before the passing of the Act. But as to British subjects voluntarily naturalized abroad before the passing of the Act, there is the following proviso attached to section 6: "Where any British subject has, before the passing of this Act, voluntarily become naturalized in a foreign state, and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject; and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject, with this

qualification that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject unless he has ceased to be a subject of that state, in pursuance of the laws thereof, or in pursuance of a treaty to that effect." Thus it will be observed that, although a British subject cannot now be naturalized in a foreign state without losing his status as a British subject, there is careful reservation of the rights of those naturalized before the passing of the Act. They are to have two years (surely one year would have been sufficient), within which they may make a declaration of British nationality, and take the oath of allegiance.* If they do not avail themselves of this privilege they are aliens. If they do they are British subjects everywhere, except within the limits of the state where they have been naturalized; and even there they will be treated as British subjects if they are so regarded by the Government of that state after what has taken place.

When an alien is naturalized here, he may afterwards change his mind, and wish to revert to his former condition of alienage. Such a *locus penitentiae* is given to him by section 3, but only when a convention has been entered into by the Crown with the State to which he originally belonged. Where, by Order in Council, it is announced that such a convention has

* The *modus operandi* is prescribed in section 6.

been entered into with any State, a naturalized alien who originally belonged to such State may make a declaration of alienage, and will thenceforth become an alien, and be regarded as a subject of such State. No such convention having as yet been entered into, this section of the Act is practically a dead letter.

Under the existing law, as heretofore, we continue to claim all children born in the dominions of the Crown as British subjects, no matter of what parentage. So that a child born in England of French parents, even though the parents are not naturalized here, is a British subject, and by French law a French subject also. The Royal Commissioners in their Report say of this rule that it "is open to some theoretical and some practical objections, of the force of which we are aware. But it has, on the other hand, solid advantages. It selects as the test a fact readily provable, and this, in questions of nationality and allegiance, is a point of material consequence. It prevents troublesome questions in cases (numerous in some parts of the British Empire) where the father's nationality is uncertain, and it has the effect of obliterating speedily and effectually disabilities of race, the existence of which within any community is generally an evil, though, to some extent, a necessary evil. Lastly, we believe that of the children of foreign parents born within the dominions of the Crown, a large majority would, if they were called upon to choose, elect British nationality. The balance of convenience thereof is in

favour of treating them as British subjects, unless they disclaim that character, rather than of treating them as aliens, unless they claim it. The former course is, of the two, the less likely to inflict needless trouble and disappoint natural expectations. We do not therefore recommend the abandonment of this rule of the common law, but we are clearly of opinion that it ought not to be, as it now is, absolute and unbending. In the case of children of foreign parentage, it should operate only where a foreign nationality has not been chosen. Where such a choice has been made, it should give way." They therefore recommended that "provision should be made for enabling children born within the dominions of the Crown, of alien fathers, to be registered as aliens, and children so registered shall be thenceforth regarded as aliens. The child, if not so registered on his birth or during his minority by his father or guardian, should be permitted to register himself as an alien at any time before he has exercised or claimed any right or privilege as a British subject; and that, if the father, being an alien when the child was born, becomes during the child's minority naturalized as a British subject; the child, though registered as an alien, should follow the condition of the father."

This recommendation was not adopted at all by the framers of the Act; but in the House of Lords the 4th section was introduced. That section is as follows:—"Any person who, by reason of his having been born within the dominions of Her Majesty, is a

natural-born subject, but who also at the time of his birth became, under the law of any foreign State, a subject of such State, and is still such subject, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid; and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father a British subject, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject." The section, therefore, covers two cases: that of a person who, although the child of foreign parents, yet, from having been born within the dominions of the Crown, is a British subject, and who wishes to get rid of his British nationality; and that of a person who, although born abroad, and therefore by birth the subject of a foreign State, yet, by reason of his father having been a British subject, is himself a British subject, and who wishes to get rid of his British nationality.

Part III.

We now come to naturalization and resumption of British nationality, which is the subject of Part III. This part consists of three sections, viz., section 7,

which treats of naturalization ; section 8, which treats of the resumption of British nationality ; and section 9, which gives the form of the oath of allegiance to be taken on naturalization, and in all other cases where the taking of an oath of allegiance is required by the Act.

The 7th section is divided into five clauses, and although they are not so numbered in the Act, it will be convenient here to treat them as if they were. The 1st clause, then, runs as follows:—"An alien who, within such limited time before making the application hereinafter mentioned as may be allowed by one of Her Majesty's principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's principal Secretaries of State for a certificate of naturalization." The 2nd clause, which is an addition to the 1st, runs thus:—"The applicant shall adduce, in support of his application, such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of this applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most

conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.”

From these clauses we gather that, to obtain a certificate of naturalization—(a) an alien must have resided five years in the United Kingdom, or served the Crown for that period;* (b) he must intend, when naturalized, to reside in the United Kingdom, or serve the Crown; (c) he must prove the foregoing facts; (d) that it is entirely discretionary with the Secretary of State to grant or withhold the certificate, and there is no appeal from his decision; and (e) the certificate is of no effect until the grantee has taken the oath of allegiance. It will thus be seen that it was easier to obtain a certificate under the old statute, because previous residence was not necessary; but the new statute does not require the alien to state on what grounds he seeks naturalization, which the old one did.

Clause 3 defines the position of a naturalized alien thus:—“An alien to whom a certificate of naturalization is granted shall, in the United Kingdom, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a

* No previous residence was necessary under the old law to obtain a certificate. The new law follows in this respect the analogy of the French and American systems; *vide supra*, pp. 11 & 12.

natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that State, in pursuance of the laws thereof, or in pursuance of a treaty to that effect."

Thus it will be seen that a naturalized alien becomes, under the new Act, a British subject to all intents and purposes, with the qualification that he will not be deemed a British subject within the State of which he was a subject prior to his naturalization here, unless by his naturalization here he ceases to be a subject of such State. There is, however, one possible question: Can an alien, naturalized in pursuance of this Act, sit in Parliament, be a Privy Councillor, and hold an office of trust? The Act of 12 & 13 Will. III. c. 2 enacts, "that no person born out of these kingdoms, although he be naturalized or made a denizen, except such as are born of English parents, shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself, or any other or others in trust for him.*

* This provision was confirmed by 1 Geo. I. st. 2, c. 4, which Act was repealed by the Statute Law Revision Act, 1867; but the first section thereof enacts, "that when any enactment not

The 7th section of the Act under discussion enacts, as we have seen, that an alien to whom a certificate of naturalization is granted shall be entitled "to all *political* and other rights, powers, and privileges" to which a natural-born British subject is entitled. These two enactments are inconsistent, but the rule is that "every statute is a repeal by implication of a preceding statute, as far as it is contrary thereto."* It would therefore seem right to affirm that an alien, naturalized under the Act of last session, can sit in Parliament, be a Privy Councillor, and hold an office of trust. This will very much extend the value of a certificate of naturalization, and dispose aliens to avail themselves of their privilege of applying for the same under the Act. Besides, not only were the capacities of sitting in Parliament excepted from every certificate of naturalization granted under the old statute, but the Secretary of State had the power of excepting specially any rights and capacities from the certificate, and, as previously mentioned, as a matter of fact all rights (except those given by a Foreign Office passport) of a British subject abroad were excepted, and the certificate was granted on the condition that the grantee should reside permanently in the United Kingdom, and was

comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the Repeal effected by this Act."

* Stephen's Commentaries, vol. i., p. 82.

lost by his being abroad for two months without licence. That it is desirable and just that a person who by naturalization acquires the obligations of a British subject should acquire also the rights and capacities of a British subject is beyond a doubt, with this exception, that it is questionable whether an alien should be able to be naturalized, and then directly afterwards leave the British dominions and set up in trade in a foreign country, perhaps in that of which he was originally a citizen, and there claim the rights and privileges of a British subject. Under the old law, as we have seen, if a naturalized alien went abroad for more than two months without a licence, he forfeited his certificate; and in the Bill, as read a second time last session, there was a section empowering a Secretary of State to revoke a certificate of naturalization "on its appearing to him that the grantee thereof has resided out of Her Majesty's dominions to a term exceeding two years, and that he intends permanently so to reside; or on its appearing to him that the grantee of such certificate has acted in a manner inconsistent with his allegiance as a British subject." This section, in consequence of the objections made to it, was struck out during the passage of the Bill through Parliament, and therefore a certificate of naturalization granted under the Act is irrevocable. The objection on the score just alluded to is practically nullified by the facts that five years' antecedent residence is required before

a certificate can be granted under the present Act, and that when an alien has resided five years in this country it may be assumed that he has made it his permanent abode, and that an alien applying for a certificate is obliged to declare his intention of residing in the United Kingdom, or serving the Crown.

We naturalize an alien in this country without pausing to inquire whether by naturalization here he ceases or does not cease to be a subject of the State to which he belonged at the time of naturalization; but almost all questions between this country and the State to which he antecedently belonged as to his nationality are effectually prevented by the fact that, unless by his naturalization here he ceases to be a subject of the State to which he antecedently belonged, he is not deemed a British subject within the limits of that State.

The 4th and 5th clauses of the section under consideration empower the Secretary of State to grant a certificate of naturalization to any person with respect to whose nationality as a British subject there is any doubt, for the purpose of quieting such doubt, and to an alien naturalized before the passing of the Act, upon the same terms and conditions as if he had never been naturalized at all. Of this many naturalized aliens will doubtless avail themselves, for, as has been previously pointed out, a certificate of naturalization under the old law was subject to many exceptions, whereas under the new law a naturalized

alien becomes a British subject to all intents and purposes.

Next there is resumption of British nationality. A British subject who has expatriated himself, or otherwise become an alien, in pursuance of the Act, is termed by the Act a "statutory alien." Hence a difference is created between aliens by birth, who will be designated simply as "aliens," and "statutory aliens." An alien by birth requires naturalization to convert him into a British subject; but a statutory alien, having been once a British subject, only requires to resume his British nationality to become again a British subject. This he does by virtue of a certificate of re-admission to British nationality, granted to him, on application, by a Secretary of State, under section 8 of the Act. There is not much practical difference, except in form, between a certificate of re-admission to British nationality and a certificate of naturalization. For a statutory alien has to perform the same conditions, and adduce the same evidence as is required in the case of an alien applying for a certificate of naturalization.* The Secretary of State is to have a similar discretion in giving or withholding a certificate of re-admission to British nationality, and the taking of the oath of allegiance by the applicant is a condition precedent to the issue of such a certificate.

* Therefore, a statutory alien must have resided five years in the United Kingdom, or served the Crown for a like period, before he can be re-admitted to British nationality.

The 8th section is also divided into clauses, of which there are three. The 1st we have already discussed ; the 2nd is as follows :—“ A statutory alien, to whom a certificate of re-admission to British nationality has been granted, shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject, with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject of that foreign State, according to the laws thereof, or in pursuance of a treaty to that effect.” It will be noted that the grant of a certificate of re-admission to British nationality is not to affect any transaction previous thereto ; and although the grantee becomes thereby a British subject again, yet he is not to be deemed a British subject within the State of which he was a subject at the time of the grant, unless by the grant he ceased to be a subject of such State.

The 3rd clause gives the Governor of a British possession the same power as a Secretary of State has in the United Kingdom to grant certificates of re-admission to British nationality to statutory aliens being in such British possession ; and residence in such British possession shall, in the case of such statutory alien, be equivalent to residence in the United Kingdom.

The 9th section contains a very concise oath of

allegiance, which is to be the oath of allegiance for the purposes of the Act.

Part IV.

This part treats of the National Status of Married Women and Infant Children. It comprises but one section, the 10th, which lays down four rules:—(1) “A married woman shall be deemed to be a subject of the State of which her husband is for the time a subject.” This must be taken to mean that the wife of a British subject shall be a British subject, and the wife of an alien an alien; that when a British subject becomes a statutory alien his wife becomes an alien also; and that when an alien is naturalized his wife becomes thereby naturalized also. The wording of the rule, however, is objectionable, because it covers more than this. (2) “A widow, being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such, at any time during widowhood, obtain a certificate of re-admission to British nationality, in manner provided by this Act.” (3) “Where the father, being a British subject, or the mother, being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who, during infancy, has become

resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject."

(4) "Where the father or mother, being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who, during infancy, has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents."

(5) "Where the father or the mother, being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who, during infancy, has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject."

Part V.

This part contains what are termed the Supplemental Provisions: that is to say, provisions for carrying out in practice the previous provisions of the Act. By section 11 we find that the procedure under the Act is left, to a great extent, to the Secretary of State, who is empowered by that section to make regulations providing for—(1) the form and registration of decla-

rations of British nationality; (2) the form and registration of certificates of naturalization in the United Kingdom; (3) the form and registration of certificates of re-admission to British nationality; (4) the form and registration of declarations of alienage; (5) the registration by officers in the diplomatic or consular service of Her Majesty of the birth and death of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of the persons married at any of Her Majesty's embassies or legations; (6) the transmission to the United Kingdom of any declarations or certificates, and certain other documents made in pursuance of this Act, out of the United Kingdom; and (7) with consent of the Treasury, the fees in respect of any registration, declaration, or grant of any certificate, under this Act.

The Secretary of State is also empowered by further regulation to alter any previous regulation made by him. Any regulation made by him is to be considered as within his powers, and is to have the force of an Act of Parliament, but is not to be in force in any British possession as far as regards fees, nor in any other matter in so far as it is inconsistent with any Act or ordinance for the time being in force in such possession. Hardly had the Act become law ere it was discovered that there was a defect in the 11th section, viz., that it did not empower the Secretary of State to provide by regulation for the manner of administering the oaths to be taken on naturalization,

and the fees to be paid in respect thereof. It became, therefore, necessary to resort to a supplementary statute to remedy this defect. Accordingly, towards the close of the session was passed the Naturalization Oaths' Act, 1870,* which is to be construed as one with the Naturalization Act, 1870. When this Act became law, the Home Office issued a paper, headed, "Instructions to Aliens applying for Certificates of Naturalization,"† which contains ten regulations to be observed. The *first* regulation is, that a memorial must be presented to a principal Secretary of State praying for the grant of such a certificate. The *second* is that the memorial must state the following particulars—(1) of what foreign State the applicant is a subject; (2) his name, address, age, profession, trade, or other occupation; (3) whether he is married, and has any children under age residing with him, and, if so, a statement of their names and ages; (4) that during the period of eight years preceding the application the applicant has for five years resided within the United Kingdom (the place or places of such residence being specified), or that, during the same period of eight years, he has for five years been in the service of the Crown (the post in which he served being specified); (5) that he intends to reside in the United Kingdom, or to serve under the Crown.

It will be observed that the five years' residence

* This Act will be found *in extenso* in the Appendix.

† These instructions will be found in the Appendix.

in the United Kingdom, or service of the Crown, need not be consecutive, but may be confined within a period of eight years preceding the application.* The particulars as to the marriage and family of the applicant are required, because, under section 10, the naturalization of the applicant will naturalize his wife and his infant children residing with him. The applicant must state that he intends to reside in the United Kingdom, or serve the Crown, although, as we have seen before, if he leaves the United Kingdom the day after he is naturalized it does not affect his naturalization.

The *third* regulation requires the applicant to verify the statements in his memorial by statutory declaration under the Act of Will. IV.; and to make a false declaration is a misdemeanour. The *fourth* is that "the statements in the memorial must be further verified, and the respectability and loyalty of the applicant vouched for, by a declaration made in like manner by four householders who are natural-born British subjects, and neither of them the agent or solicitor of the memorialist. This declaration may be made by such declarants jointly, or by each separately; but each of the declarants must in his declaration state, as to himself, the fact that he is a householder and a natural-born British subject, the place of his residence, and the period during which he has personally known

* By section 7 the Secretary of State is authorised to limit the time preceding the application for a certificate within which the five years' residence or service is to be.

the applicant." The *fifth* regulation fixes the fee payable upon the grant of a certificate at £1, which is to include the registration of the certificate and oath of allegiance. The *sixth* requires the grantee, after obtaining the certificate, to take and subscribe the oath of allegiance, a blank form of which will be annexed to the certificate. The *seventh* states the functionaries before whom the oath of allegiance may be taken and subscribed, viz., in England, any justice of the peace, or commissioner authorised to administer oaths in Chancery. The *eighth* fixes the fee for administering the oath at 2s. 6d. The *ninth* requires the grantee to cause the oath, after he has subscribed and taken it, to be registered at the Home Office; and the *tenth* regulation runs thus: "After registration, the certificate and oath of allegiance will be re-delivered to the grantee of the certificate."

Briefly, then, to state what an alien must do to obtain a certificate of naturalization:—He must have resided in the United Kingdom, or served the Crown for five years in all during the eight preceding years; he must present a memorial, stating the required particulars, to the Home Secretary, which memorial it will be advisable for him to have drawn up for him by a solicitor; he must make a statutory declaration verifying his memorial, and get four householders who are natural-born British subjects to make a declaration vouching for his loyalty and respectability, and also verifying the statements of his memorial; he must take

and subscribe the oath of allegiance, and get it registered at the Home Office. Finally, he must pay the sum of £1 2s. 6d. At this small expenditure of trouble and money an alien can be converted into a British subject.*

This part contains another section, the 12th, which is only of importance when it becomes necessary to prove any declaration made under the Act, or any certificate granted under the Act, in any legal proceeding; and therefore it is sufficient to refer those practically interested in the question to the section itself.

Part VI.

This part comprises five sections, two of which, 13 and 14, have been noticed before.† Another, Section 17, although of practical importance, calls for no discussion. This leaves two sections for notice: viz., Sections 15 and 16. The first of these enacts that any person who becomes an alien under the Act is not thereby discharged from liability in respect of

* In the Appendix will be found the Forms of certificates of naturalization and re-admission to British nationality, and of declarations of alienage; and also the instructions to applicants for certificates of readmission to British nationality, and to persons about to make a declaration of alienage or a declaration of British nationality.

acts done before he became an alien. The object of this section will be better appreciated by noticing the fact that some acts are offences against our laws if done by a British subject, but are not offences if done by an alien. The 16th section leaves the colonies,* as heretofore, at liberty to legislate (subject, of course, as in all other legislation, to the control of the Crown) with regard to naturalization within their own limits.

Part VII.

This, the final part, repeals the Acts set out in the Schedule—some entirely, others partially, with the proviso that this repeal shall not affect any right acquired, thing done, liability, or penalty incurred before the Act, or the institution of any legal proceedings for the purpose of enforcing such penalty.

* As to colonial legislation, see Report of the Royal Commissioners—Appendix, p. 10. Naturalization in India is provided for by Act xxx. of 1852, the provisions of which, as to the issuing of certificates of naturalization, are substantially the same as those of the 7 & 8 Vict. c. 66. The certificate is issued by the Indian Government, and the grantee is, within British India, to be deemed a natural-born subject of Her Majesty, as if he had been born in British India, subject to any exceptions in the certificate. If the memorial on which the certificate is issued contains any material statement which is false, the Government may in writing declare the certificate null and void.

A few final observations may be made. The Act effects five sweeping alterations in our law: (1) It enables aliens to hold land; (2) it allows of expatriation; (3) it establishes as a necessary corollary repatriation; (4) it makes five years' antecedent residence or service of the Crown a condition precedent to naturalization; and (5) it endows a naturalized alien with all the capacities, rights, and privileges of a natural-born subject. It does not, however, abolish the doctrine of double allegiance, although it greatly diminishes the number of cases to which the doctrine, with its attendant difficulties and inconveniences, applies. To abolish the doctrine altogether is not within the power of Parliament alone: it requires the co-operation of foreign Governments and foreign Legislatures. Still, the chance of a collision between our Government and that of any foreign Power on account of the same individual being claimed as a subject by both is, by the Act, reduced to a minimum. The effect of the Act will be to diminish the numbers of our fellow-subjects in one way, and to increase them in another. All British subjects naturalized abroad will, by naturalization, cease to be British subjects; and many will avail themselves of the power of voluntary expatriation given by the Act. But, on the other hand, by the removal of all the clogs heretofore diminishing their value from certificates of naturalization, many more foreigners will be induced to become our fellow-subjects; and there will no longer be any valid reason

why those who are not aliens in spirit should remain aliens in name. And, as we shall heartily wish God-speed to those who throw in their lot with another State, so shall we welcome with open arms those who throw in their lot with us, and thus testify that they believe what we believe, viz., that whatever may be the calumnies which it may suit the purpose of certain sections of the foreign press to propagate, there is vitality yet in our dear old country, and that there lies before her a great and glorious future, as there lies behind her a great and glorious past.

APPENDIX.

THE NATURALIZATION ACT, 1870.

33 & 34 VICT. c. 14.

An Act to amend the Law relating to the legal condition of Aliens and British Subjects.—[12th May, 1870.]

WHEREAS it is expedient to amend the law relating to the legal condition of aliens and British subjects: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. *Short title.*]—This Act may be cited for all purposes as “The Naturalization Act, 1870.”

Status of Aliens in the United Kingdom.

II. *Capacity of an alien as to property.*]—Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,—

- (1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office, or for any municipal, parliamentary, or other franchise:
- (2.) That this section shall not entitle an alien to any right or privilege as a British subject, except

such rights and privileges in respect of property as are hereby expressly given to him :

- (3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

III. *Power of naturalized aliens to divest themselves of their status in certain cases.*].—Where Her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the state referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage,* and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorised by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

IV. *How British-born subject may cease to be such.*].—Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but

* For Form see Appendix.

who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

V. *Alien not entitled to jury de medietate linguæ.*]—From and after the passing of this Act, an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural-born subject.

Expatriation.

VI. *Capacity of British subject to renounce allegiance to Her Majesty.*]—Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state be deemed to have ceased to be a British subject and be regarded as an alien; Provided,—

- (1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration* that he is desirous of remaining a British subject, and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British

* For Form see Appendix.

subject, unless he has ceased to be a subject of that state, in pursuance of the laws thereof, or in pursuance of a treaty to that effect :

- (2.) A declaration of British nationality may be made, and the oath of allegiance be taken, as follows ; that is to say,—If the declarant be in the United Kingdom in the presence of a justice of the peace ; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorised by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

Naturalization and resumption of British Nationality.

VII. *Certificate of naturalization.*]—An alien who, within such limited time before making the application hereinafter mentioned as may be allowed by one of Her Majesty's principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's principal Secretaries of State for a certificate of naturalization.*

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

* For Form see Appendix.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization* to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act,* and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted, if such alien had not been previously naturalized in the United Kingdom.

VIII. *[Certificate of re-admission to British nationality.]*—A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's principal Secretaries of State for a certificate* (hereinafter referred to as a certificate of re-admission to British nationality) re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or

* For form *see* Appendix.

hood obtain a certificate of re-admission to British nationality in manner provided by this Act :

- (3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject :
- (4.) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents :
- (5.) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

Supplemental Provisions.

XI. *Regulations as to registration.*—One of Her Majesty's principal Secretaries of State may by regulation* provide for the following matters :—

- (1.) The form and registration of declarations of British nationality :
- (2.) The form and registration of certificates of naturalization in the United Kingdom :
- (3.) The form and registration of certificates of re-admission to British nationality :
- (4.) The form and registration of declarations of alienage :

* For the regulations issued by virtue of this provision *see* the Appendix.

- (5.) The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations :
- (6.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act :
- (7.) With the consent of the Treasury the imposition and application of fees in respect of any registration authorised to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorised to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not, so far as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

XII. *Regulations as to evidence.*.]—The following regulations shall be made with respect to evidence under this Act :—

- (1.) Any declaration authorised to be made under this Act may be proved in any legal proceeding by

the production of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of Her Majesty's principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned :

- (2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of Her Majesty's principal Secretaries of State to give certified copies of such certificate :
- (3.) A certificate of re-admission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's principal Secretaries of State, or by any person authorised by regulations of one of Her Majesty's principal Secretaries of State to give certified copies of such certificate :
- (4.) Entries in any register authorised to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorised to be inserted in the register :
- (5.) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

Miscellaneous.

XIII. *Saving of letters of denization.*—Nothing in this

Act contained shall affect the grant of letters of denization by Her Majesty.

XIV. *Saving as to British ships.*]—Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

XV. *Saving of allegiance prior to expatriation.*]—Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

XVI. *Power of colonies to legislate with respect to naturalization.*]—All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

XVII. *Definition of terms.*]—In this Act, if not inconsistent with the context or subject-matter thereof,—

“Disability” shall mean the status of being an infant, lunatic, idiot, or married woman :

“British possession” shall mean any colony, plantation, island, territory, or settlement within Her Majesty’s dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act :

“The Governor of any British possession” shall include any person exercising the chief authority in such possession :

“Officer in the Diplomatic Service of Her Majesty” shall mean any Ambassador, Minister or Chargé d’Affaires, or Secretary of Legation, or any person

appointed by such Ambassador, Minister, Chargé d'Affaires, or Secretary of Legation to execute any duties imposed by this Act on an officer in the Diplomatic Service of Her Majesty :

“ Officer in the Consular Service of Her Majesty ” shall mean and include Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent :

Repeal of Acts mentioned in Schedule.

XVIII. *Repeal of Acts.*]—The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned ; provided that the repeal enacted in this Act shall not affect—

- (1.) Any right acquired or thing done before the passing of this Act :
- (2.) Any liability accruing before the passing of this Act :
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act :
- (4.) The institution of any investigation or legal proceeding, or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULE.

NOTE.—Reference is made to the repeal of the “ whole Act ” where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This Schedule, so far as respects Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of

the Record Commission, intituled "The Statutes of the
 " Realm; printed by Command of His Majesty King
 " George the Third, in pursuance of an Address of the
 " House of Commons of Great Britain. From original
 " Records and authentic Manuscripts."

Part I.

ACTS WHOLLY REPEALED, OTHER THAN ACTS
 OF THE IRISH PARLIAMENT.

Date.	Title.
7 Jas. 1. c. 2	- An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy.
11 Will. 3. c. 6.*	- An Act to enable His Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.
13 Geo. 2. c. 7.	- An Act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America.
20 Geo. 2. c. 44	- An Act to extend the provisions of an Act made in the thirteenth year of His present Majesty's reign, intituled "An Act for " naturalizing foreign Protestants " and others therein mentioned, " as are settled or shall settle in " any of His Majesty's colonies in " America, to other foreign Pro- " testants who conscientiously " scruple the taking of an oath."

* 11 & 12 Wm. 3. (Ruff.)

- 13 Geo. 3. c. 25. - An Act to explain two Acts of Parliament, one of the thirteenth year of the reign of His late Majesty, "for naturalizing such foreign Protestants and others, as are settled or shall settle in any of His Majesty's colonies in America," and the other of the second year of the reign of His present Majesty, "for naturalizing such foreign Protestants as have served or shall serve as officers or soldiers in His Majesty's Royal American regiment, or as engineers in America."
- 14 Geo. 3. c. 84. - An Act to prevent certain inconveniences that may happen by bills of naturalization.
- 16 Geo. 3. c. 52. - An Act to declare His Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens.
6. Geo. 4. c. 67. - An Act to alter and amend an Act passed in the seventh year of the reign of His Majesty King James the First, intituled "An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy."
- 7 & 8 Viet. c. 66. - An Act to amend the laws relating to aliens.
- 10 & 11 Viet. c. 83. - An Act for the naturalization of aliens.

*Part II.*ACTS OF THE IRISH PARLIAMENT WHOLLY
REPEALED.

Date.	Title.
14 & 15 Chas. 2. c. 13.	An Act for encouraging Protestant strangers and other to inhabit and plant in the kingdom of Ireland.
2 Anne, c. 14.	- An Act for naturalizing of all Protestant strangers in this kingdom.
19 & 20 Geo. 3. c. 29.	An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom.
23 & 24 Geo. 3. c. 38.	An Act for extending the provisions of an Act passed in this kingdom in the nineteenth and twentieth years of His Majesty's reign, intituled "An Act for naturalizing "such foreign merchants, traders, "artificers, artizans, manufac- "turers, workmen, seamen, far- "mers, and others as shall settle "in this kingdom."
36 Geo. 3. c. 48.	- An Act to explain and amend an Act, intituled "An Act for "naturalizing such foreign mer- "chants, traders, artificers, arti- "zans, manufacturers, workmen, "seamen, farmers, and others who "shall settle in this kingdom."

Part III.

ACTS PARTIALLY REPEALED.

- | | | |
|--|--|--|
| | | Extent of Repeal. |
| 4 Geo. 1. c. 9.
(Act of Irish
Parliament.) | - An Act for reviving,
continuing, and
amending several
statutes made in
this kingdom here-
tofore temporary. | So far as it makes
perpetual the Act
of 2 Anne, c. 14. |
| 6 Geo. 4. c. 50. | - An Act for consoli-
dating and amend-
ing the laws rela-
tive to Jurors and
Juries. | The whole of sect. 47. |
| 3 & 4 Will. 4. c. 91. | An Act consolidating
and amending the
laws relating to
Jurors and Juries
in Ireland. | The whole of sect. 37. |

THE NATURALIZATION OATHS ACT, 1870.

33 & 34 VICT. c. 102.

An Act to amend the Law relating to the taking of Oaths of Allegiance on Naturalization.—[10th August, 1870.]

WHEREAS it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870:—Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:

I. *Regulations as to oaths of allegiance.*—The power of making regulations vested in one of Her Majesty's principal Secretaries of State by the Naturalization Act, 1870, shall extend to prescribing as follows:

- (1.) The persons by whom the oaths of allegiance may be administered under that Act :
- (2.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested :
- (3.) The registration of such oaths :
- (4.) The persons by whom certified copies of such oaths may be given :
- (5.) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act :
- (6.) The proof in any legal proceeding of such oaths :
- (7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

II. *Penalty on making false declaration.*—Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

III. *Construction and short title of Act.*—This Act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Naturalization Acts, 1870.

THE JURIES ACT, 1870.

33 & 34 VICT. c. 77, s. 8.

VIII. *Aliens to be qualified after ten years' domicile, but not otherwise.*—Aliens having been domiciled in England or Wales for ten years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

REGULATIONS.

In exercise of the Powers contained in the Naturalization Acts, 1870, I, the Right Honourable HENRY AUSTIN BRUCE, one of Her Majesty's Principal Secretaries of State, make the following Regulations.

FORMS.

I.—The forms of declarations made in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Naturalized British Subject.

I, A.B., of _____, having been naturalized as a British subject on the _____ of _____, 18____, do hereby, under the provisions of the Order of Her Britannic Majesty in Council of the _____, and of the treaty between Great Britain and C.D., renounce my naturalization as a British subject, and declare that it is

my desire to resume my nationality as a subject [*or citizen*]
of *C.D.*

Made and subscribed this (Signed) *A.B.* 18 ,
before me, (Signed) *E.F.*
Justice of the Peace
[*or other official title*].

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Person born within British Dominions.

I, *A.B.*, of , being held by the common
law of Great Britain to be a natural-born subject of Her
Britannic Majesty by reason of my having been born within
Her Majesty's dominions, and being also held by the law of
C.D. to have been at my birth, and to be still, a subject
[*or citizen*] of *C.D.*, hereby renounce my nationality as a
British subject, and declare that it is my desire to be
considered and treated as a subject [*or citizen*] of *C.D.*

(Signed) *A.B.*
Made and subscribed this day of 18 ,
before me, (Signed) *E.F.*,
Justice of the Peace
[*or other official title*].

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Person who is by origin a British Subject.

I, *A.B.*, of , having been born out of Her
Britannic Majesty's Dominions of a father being a British
subject, do hereby renounce my nationality as a British
subject.

(Signed) *A.B.*
Made and subscribed this day of 18 ,
before me, (Signed) *G.H.*,
Justice of the Peace.
[*or other official title*].

NATURALIZATION ACTS, 1870.

Declaration of British Nationality.

I, *A.B.*, of _____, being a natural-born subject of Her Britannic Majesty, and having voluntarily become naturalized as a subject [*or citizen*] of *C.D.*, on the _____ of _____, 18____, do hereby renounce such naturalization, and declare that it is my desire to be considered and treated as a British subject.

(Signed) *A.B.*

Made and subscribed this _____ day of _____ 18____, before me,

(Signed) *E.F.*,
Justice of the Peace.
[*or other official title*].

Note.—The Act of Parliament under which this declaration is made provides that the declarant “shall not, when “within the limits of the foreign State in which he has been “naturalized, be deemed to be a British subject, unless he “has ceased to be a subject of that State in pursuance of “the laws thereof, or in pursuance of a treaty to that “effect.”

II.—The forms of Certificates granted in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

Certificate of Naturalization to an Alien.

Secretary of State's Office, Whitehall.

Whereas *A.B.*, an alien, now residing at _____, has presented to me, the Right Honourable *E.F.*, one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization, and alleging that he is [*particulars according to the “Instructions”*], and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [*or has been for five years in the service of the Crown as* _____], and intends, when naturalized, to reside in the United Kingdom [*or to serve under the Crown*]; and whereas I have inquired into the circumstances of the case, and have

received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid *A.B.* this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject, be deemed to be a British subject, unless he has ceased to be a subject [*or citizen*] of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name
 this day of 18 .

(Signed) *E.F.*

NATURALIZATION ACTS, 1870.

*Certificate of Naturalization under the Acts of 1870 to an
 Alien naturalized under the Act of 1844.*

Secretary of State's Office, Whitehall.

Whereas *A.B.*, an alien, now residing at , has presented to me, the Right Honourable *E.F.*, one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization under the Naturalization Acts, 1870, and alleging that he was naturalized in the United Kingdom in pursuance of the Act 7 & 8 Vict. c. 66., on the day of 18 , that he was originally a subject of , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [*or has been for five years in the service of the Crown as*], and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom [*or to serve under the Crown*]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allega-

resided for five years within the United Kingdom [*or* has been for five years in the service of the Crown as], and intends, if he receives the certificate of re-admission to British nationality for which he prays, to reside in the United Kingdom [*or* to serve under the Crown]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; and whereas the said *A.B.* has taken the oath of allegiance; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid *A.B.* this certificate, and declare that he is hereby re-admitted to British nationality, and that from the date of this certificate, but not in respect of any previous transaction, he is, in the United Kingdom, entitled to all political and other rights, powers, and privileges, and subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification that, within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject [*or* citizen] of that State according to the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name
this day of 18 .
(Signed) E.F.

OATH OF ALLEGIANCE.

III.—The Oath of Allegiance shall be subscribed as well as taken.

IV.—The following persons may administer the oath of allegiance:—

In England or Ireland—

Any Justice of the Peace, or any Commissioner authorised to administer oaths in Chancery.

In Scotland—

Any Sheriff, Sheriff-substitute, or Justice of the
Peace.

Elsewhere in Her Majesty's dominions—

Any Judge of any Court of Civil or Criminal jurisdiction:

Any Justice of the Peace:

Any Officer for the time being authorised by law in the place in which the deponent is to administer an oath for any judicial or other legal purpose.

This regulation shall not apply to the case of the administration of an oath of allegiance in respect of a Declaration of British nationality, for which case provision is made by the Naturalization Act, 1870 (33 Vict. c. 14. s. 6.).

V.—The form in which the Oath of Allegiance shall be subscribed shall be as follows:—

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law.

So help me GOD. .
(Signed) *A.B.*

Sworn and subscribed this
before me,

day of

(Signed) *C.D.*,
Justice of the Peace
[or other official title].

VI.—The Oath of Allegiance taken and subscribed in pursuance of the said Acts may be proved in any legal proceeding by the production of the original Certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under Secretaries of State.

This regulation shall apply exclusively to Oaths taken and subscribed in the United Kingdom.

REGISTRATION.

VII.—Every Declaration, whether of Alienage or British nationality, and every Certificate, whether of naturalization or of re-admission to British nationality, and every Oath of Allegiance taken with respect to a Declaration or Certificate, shall be Registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies, certified by one of Her Majesty's Principal or Under Secretaries of State, to be true copies of any Declaration, Certificate, or Oath which has been Registered, may be obtained at such office as aforesaid.

This regulation shall apply exclusively to such Declarations, Certificates, and Oaths as may be made, granted, and taken respectively in the United Kingdom.

FEES.

VIII.—With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that fees may be taken and applied as follows:—

The matter in which the Fee may be taken.	The Amount of Fee.			To whom Payment of Fee to be applied.
	£	s.	d.	
For taking a declaration, whether of alienage or British nationality.	0	2	6	To the clerk of justice taking declaration, or in Scotland to the clerk of the peace, or any of his deputes.
For granting a certificate, whether of naturalization or re-admission to British nationality, and for registering the same, together with the oath of allegiance.	1	0	0	Into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time shall direct, and to be carried to the Consolidated Fund.
For administration of the oath of allegiance	0	2	6	In England or Ireland, if the oath is administered by a justice of the peace, to the clerk of such justice, otherwise to the officer administering the oath.
				In Scotland, if the oath is administered by a sheriff or sheriff-substitute, to the sheriff clerk; if by a justice of the peace, to the clerk of the peace or any of his deputes.
For transmitting a declaration, with or without oath, for registration.	0	0	6	To the clerk of the justice, who transmits the same, or in Scotland to the clerk of the peace, or any of his deputes.

FEES—(*continued.*)

The matter in which the Fee may be taken.	The Amount of Fee.	To whom Payment of Fee to be applied.
	£ s. d.	
For registration of declaration, with or without oath of allegiance.	0 10 0	Into the receipt of Her Majesty's Exchequer in manner aforesaid.
For certified copy of any declaration or certificate, with or without oath.	0 10 0	The same.

This regulation shall apply exclusively to declarations, certificates, and oaths made, granted, and taken respectively in the United Kingdom.

H. A. BRUCE.

August, 1870.

INSTRUCTIONS TO ALIENS APPLYING FOR CERTIFICATES OF NATURALIZATION.*

1. Any Alien desirous to obtain a Certificate of Naturalization must present to one of Her Majesty's Principal Secretaries of State a Memorial praying for the grant of such Certificate.

2. The memorial must state—

- (1.) Of what Foreign State the applicant is a Subject.
- (2.) His name, address, age, profession, trade, or other occupation.

* The Instructions to persons who have been already naturalized, and are desirous of applying for Certificates of Naturalization under the Naturalization Acts, 1870, and those to persons with respect to whose nationality a doubt exists, and who are desirous of applying for special Certificates of Naturalization under the Naturalization Acts, 1870, are identical to those to aliens applying for Certificates of Naturalization, except that the statements in the memorials are slightly different.

- (3.) Whether he is married, and has any children, under age, residing with him, and if so, to state their names and ages.
- (4.) That during the period of eight years preceding the application, the applicant has for five years resided within the United Kingdom (the place or places of such residence being specified), *or* that during the same period of eight years he has for five years been in the service of the Crown (the post in which he served being specified).
- (5.) That he intends to reside in the United Kingdom or to serve under the Crown.

3. The applicant must verify the statements in his memorial by a declaration made before a magistrate or other person authorised to receive such declaration, in pursuance of the Act passed in the fifth and sixth years of His late Majesty King William IV., chapter 62.

4. The statements in the memorial must be further verified, and the respectability and loyalty of the applicant vouched for by a declaration made in like manner by four householders who are natural-born British subjects, and neither of them the agent or solicitor of the memorialist. The declaration may be made by such declarants jointly, or by each separately; but each of the declarants must in his declaration state, as to himself, the fact that he is a householder, and a natural-born British subject, the place of his residence, and the period during which he has personally known the applicant.

5. The fee payable upon the grant of a certificate is £1, which will include payment for the Registration both of the Certificate and of the oath of allegiance.

6. After obtaining the grant of a Certificate, the grantee must take and subscribe the oath of allegiance, a blank form whereof will be annexed to the Certificate.

7. The oath of allegiance may be taken and subscribed:—

In England or Ireland—

In the presence of any Justice of the Peace, or any Commissioner authorised to administer oaths in Chancery.

In Scotland—

In the presence of any Sheriff, Sheriff-Substitute, or Justice of the Peace.

8. The fee for the administration of the oath is 2s. 6d., payable as follows:—

In England or Ireland, if the oath is administered by a Justice of the Peace, to the Clerk of such Justice, otherwise to the officer administering the oath; in Scotland, if the oath is administered by a Sheriff or Sheriff-substitute, to the Sheriff-Clerk or any of his deputed; if by a Justice of the Peace, to the Clerk of the Peace or any of his deputed.

9. After taking and subscribing the oath of allegiance the grantee of the Certificate shall cause the oath to be registered at the Home Office.

10. After Registration, the Certificate and oath of allegiance will be re-delivered to the grantee of the Certificate.

Home Office,

August, 1870.

INSTRUCTIONS TO APPLICANTS IN THE UNITED KINGDOM FOR CERTIFICATES OF RE-ADMISSION TO BRITISH NATIONALITY.

(These Instructions apply only to Certificates granted in the United Kingdom.)

1. Any person desirous to obtain a Certificate of re-admission to British nationality must present to one of Her Majesty's Principal Secretaries of State a Memorial praying for the grant of such Certificate.

2. The Memorial must state—

(1.) The name, address, age, profession, trade, or other occupation of the applicant.

(2.) Whether the applicant is married and has any children, under age, residing with him, and if so, to state their names and ages.

- (3.) That the applicant was a natural-born British Subject by reason of having been born in British territory, or by reason of his or her father or grandfather, by the father's side, having been a British Subject.
- (4.) That the applicant became the subject or citizen of a foreign State. The name of the foreign State must be specified, and the mode in which the applicant became an Alien. If the applicant became an Alien by Naturalization, the date of such naturalization must be mentioned; or if the applicant be a widow who became an Alien by marriage with her late husband, the date and place of such marriage, the name of her husband, and the foreign State of which he was a Subject, must be mentioned.
- (5.) That during the period of eight years preceding the application, the applicant has for five years resided within the United Kingdom (the place or places of such residence being specified), *or* that during the same period of eight years he has for five years been in the service of the Crown (the post in which he served being specified).
- (6.) That the applicant intends to reside in the United Kingdom or to serve under the Crown.

3. The applicant must verify the statements in his Memorial by a Declaration made before a Magistrate or other person authorised to receive such Declaration, in pursuance of an Act passed in the fifth and sixth years of His late Majesty King William the Fourth, chapter 62.

4. The statements in the Memorial must be further verified, and the respectability and loyalty of the applicant vouched for, by Declaration made in like manner by four householders, who are natural-born British Subjects, and neither of them the agent or solicitor of the Memorialist. The Declaration may be made by such declarants jointly or by each separately; but each of the declarants must in his declaration state, as to himself, the fact that he is a householder and a natural-born British subject, the place of his residence, and the period during which he has personally known the applicant.

5. The Secretary of State, if he thinks fit to grant a Certificate to the applicant, will cause him to be furnished with a blank form of the Certificate and Oath of Allegiance.

6. The applicant will then take and subscribe the Oath of Allegiance.

7. The Oath of Allegiance may be taken and subscribed:—

In England or Ireland—

In the presence of any Justice of the Peace, or any Commissioner authorised to administer oaths in Chancery.

In Scotland—

In the presence of any Sheriff, Sheriff-Substitute, or Justice of the Peace.

8. The fee for the administration of the oath is 2s. 6d., payable as follows:—

In England or Ireland—

If the oath is administered by a Justice of the Peace, to the Clerk of such Justice, otherwise to the officer administering the oath.

In Scotland—

If the oath is administered by a Sheriff or Sheriff-Substitute, to the Sheriff Clerk or any of his deutes; if by a Justice of the Peace, to the Clerk of the Peace or any of his deutes.

9. The applicant will forward to the Home Office the blank Certificate, and the Oath of Allegiance which has been subscribed, together with a fee of £1.

10. The Certificate will then be signed by the Secretary of State, and the Certificate and Oath of Allegiance will be duly Registered without further payment, and re-delivered to the applicant.

Home Office,

August, 1870.

INSTRUCTIONS TO PERSONS ABOUT TO MAKE A DECLARATION OF ALIENAGE.

*(These Instructions apply only to Declarations made in the
United Kingdom.)*

1. Forms of Declaration of Alienage may be obtained upon application at the Home Office.

2. Declarations of Alienage may be made in the presence of any Justice of the Peace.

3. The Declaration must be made in duplicate. The original will be given to the Declarant on the payment of 13s., viz., the sum of 2s. 6d. as the fee to the Clerk of the Justice taking the Declaration, or in Scotland to the Clerk of the Peace, or any of his deposes, and 10s. 6d. for the procuring and transmitting, as hereinafter mentioned, a post-office order for the Registration fee of 10s.

4. The said Justice will cause the duplicate Declaration to be forwarded by the post of the same day to the Under Secretary of State for the Home Department, London, for Registration, together with a post-office order for the afore-said sum of 10s. made payable as from the said Justice to the Chief Clerk of the Home Office.

5. By the post of the following day an official letter will be sent from the Home Office to the address of the Declarant, mentioned in the Declaration, announcing that the Declaration has been duly Registered.

Home Office,
August, 1870.

INSTRUCTIONS TO PERSONS ABOUT TO MAKE A DECLARATION OF BRITISH NATIONALITY.

*(These Instructions apply only to Declarations made in the
United Kingdom.)*

1. Forms of Declaration of British nationality and of the Oath of Allegiance may be obtained upon application at the Home Office.

2. The Declaration may be made and the Oath taken and subscribed in the presence of any Justice of the Peace.

3. The Declaration must be made and the Oath subscribed in duplicate. The original of the Declaration and Oath will be given to the Declarant upon the payment of the sum of 15s. 6d., viz., 2s. 6d. as the fee to the Justice's Clerk, or in Scotland the Clerk of the Peace, or any of his deputes, in respect of taking the Declaration, and 2s. 6d. as the fee to the Justice's Clerk, or in Scotland the Clerk of the Peace, or any of his deputes, in respect of the administration of the Oath, and 10s. 6d. for the procuring and transmitting, as hereinafter mentioned, of a post-office order for the Registration fee of 10s.

4. The Justice will cause the duplicate Declaration and Oath to be forwarded by the post of the same day to the Under-Secretary of State for the Home Department, London, for Registration, together with a post-office order for the aforesaid sum of 10s., made payable as from the said Justice to the Chief Clerk of the Home Office.

5. By the post of the following day an official letter will be sent from the Home Office to the address of the Declarant, mentioned in the Declaration, announcing that the Declaration and Oath have been duly Registered.

Home Office,
August, 1870.

INDEX.

	PAGE		PAGE
ACT OF PARLIAMENT—		AUSTRIA—	
Naturalization by	7	law of, as to nationality	3
Cost of Act of Naturali-		BRITISH NATIONALITY—	
zation	8	certificate to settle doubts	
ALIEN—		as to	29
who was, before the Act	3	Form of	63
status of, before the Act...	3	certificate of re-admission	
,, under the pre-		to	30
sent law.....	3	Form of	64
position of, in time of war	5	resumption of.....	30
if plaintiff must give se-		when re-admission of pa-	
curity for costs	5	rent re-admits children	33
naturalization of, before		BRITISH SHIPS—	
the Act.....	6	aliens cannot own.....	17
naturalization of, under		natural-born subjects who	
present law.....	24	have taken an oath of	
disqualified from fran-		allegiance to a foreign	
chises	16	Power cannot own.....	17
cannot own British ships	17	BRITISH SUBJECTS—	
as to holding land.....	17	who were, before the Act	
naturalized, declaration		of 1870.....	3
of alienage by	20	expatriation of	18
statutory, what is a	30	reservation of rights of...	19
when qualified and liable		born abroad can become	
to serve on a jury	59	aliens	23
ALLEGIANCE—		CERTIFICATE OF NATURALI-	
what is.....	4	ZATION—	
oath of	12	under 7 & 8 Vict.	8
double, doctrine of.....	12	,, “The Naturaliza-	
,, cannot be abolish-		tion Act, 1870”	24
ed by Parlia-		upon what conditions	
ment alone ...	40	granted	24
,, Act of 1870 dimi-		on what evidence granted	35
nishes cases of	40		

	PAGE		PAGE
Regulations for granting	35	DENIZEN—	
effect of	25	status of	6
Form of	61	DOUBLE ALLEGIANCE (<i>see</i>	
is irrevocable	28	ALLEGIANCE).	
granted to alien naturalized before the Act ...	29	EVIDENCE—	
Form of	62	to be adduced by applicant for certificate of naturalization.....	35
granted to settled doubts as to British nationality ..	29	to be adduced by applicant for certificate of re-admission to British nationality	30
Form of	62	under the Naturalization Act, 1870.....	50
CHILDREN OF BRITISH MOTHER AND ALIEN FATHER BORN ABROAD—		EXPATRIATION—	
status of, before the Act	3	unknown to English law before “The Naturalization Act of 1870”	11
when naturalized by naturalization of parent,	32	French law as to	12
when re-admitted to British nationality by re-admission of parent ...	33	under “The Naturalization Act, 1870”	18
CHILDREN OF FOREIGN PARENTS BORN IN ENGLAND—		FRENCH LAW—	
are British subjects	21	as to nationality	3
may make declaration of alienage	22	„ naturalization	9
COMMON LAW—		„ expatriation	12
rule of, as to natural-born subjects and aliens ...	2	GOVERNOR OF BRITISH POSSESSION—	
statutory alterations of...	2	may grant certificates of re-admission to British nationality	31
DECLARATION OF NATIONALITY—		INDIA—	
made by a British subject naturalized abroad by the Act of 1870	19	naturalization in, by Act xxx. of 1852	39
Form of	61	INSTRUCTIONS—	
DECLARATION OF ALIENAGE—		to aliens applying for certificates of naturalization, described	35
by a naturalized alien ...	20	text of	68
by a British subject born abroad	23	to persons who have been already naturalized, and are desirous of applying for certificates of naturalization under the Act of 1870.....	68
by a person born in the dominions of the Crown of foreign parents	23	to persons with respect to whose nationality a	
Forms of	59		
DENIZATION—			
letters of	5		
cost of letters of.....	8		

	PAGE		PAGE
doubt exists, and who are desirous of applying for special certificates of naturalization under the Act of 1870	68	NATURALIZATION—	
to applicants in the Uni- ted Kingdom for certi- ficates of re-admission to British nationality...	70	how effected before the Act of 1870	6
to persons about to make a declaration of alienage	73	by Act of Parliament ...	7
to persons about to make a declaration of na- tionality	73	by certificate under 7 & 8 Vict. c. 66	8
JURY—		of British subject abroad makes him an alien ...	18
when an alien is qualified and liable to sit on ...	59	by certificate under "The Naturalization Act, 1870"	24
JURY DE MEDIETATE LIN- GUÆ—		on what conditions granted	24
abolished.....	17	effect of certificate.....	25
LAND—		is irrevocable	28
aliens now entitled to hold in fee	14	of father naturalizes his children, when32	33
but not to acquire any franchise thereby	16	in the colonies and India	39
MARRIAGE—		NATURALIZATION ACT, 1870—	
effect of, before the Act of 1870.....	6	text of	43
effect of, under the pre- sent Act	32	probable effect of	40
MARRIED WOMAN—		divisions of, into parts ...	13
is a subject of the State to which her husband belongs	32	objections to, frame of ...	17
NATIONALITY (<i>see also</i> BRI- TISH NATIONALITY)—		Section 2 discussed.....	14
French law as to	3	" 3 "	20
law of United States as to	3	" 4 "	22
Prussian and Austrian law as to	3	" 5 "	17
NATURALIZED ALIEN—		" 6 "	18
status of	25	" 7 "	24
may make a declaration of alienage	20	" 8 "	31
		" 9 "	31
		" 10 "	32
		" 11 "	33
		" 12 "	38
		" 13 "	5
		" 14 "	17
		" 15 "	38
		" 16 "	38
		NATURALIZATION OATHS ACT, 1870—	
		why passed.....	34
		text of	57
		PARLIAMENT—	
		alien incapable of sitting in	5
		naturalized alien formerly incapable of sitting in, 7	8

	PAGE		PAGE
grantee of a certificate of naturalization under the Naturalization Act, 1870, capable of sitting in	26	14 Geo. 4. c. 84.....	7
PRUSSIA—		17 & 18 Vict. c. 104.....	17
law of, as to nationality	3	7 & 8 Vict. c. 66. ...3, 6, 7	8
REGULATIONS—		30 & 31 Vict. c. 59.	7 26
Secretary of State em- powered to make	33	STATUTES REPEALED	53
text of those made	59	STATUTORY ALIEN (<i>see</i> ALIEN).	
REPEAL OF STATUTES.....	53	STATUS OF A BRITISH SUB- JECT AND ALIEN—	
RESIDENCE—		difference between	4
five years' previous, or service of the Crown, necessary for naturali- zation	24	UNITED STATES—	
within what period the five years must be	35	law of, as to nationality	3
STATUTES REFERRED TO—		" " naturaliza- tion	9
15 Chas. 2. c. 15.	7	VOTE—	
12 & 13 Will. 3. c. 2. ...	7 26	for Members of Parlia- ment, aliens cannot ...	16
1 Geo. 1. s. 2, c. 4.	7	WIDOW—	
22 Geo. 2. c. 45.	7	who is a statutory alien may obtain a certificate of re-admission to Bri- tish nationality	32
13 Geo. 3. c. 21.	2 12	her certificate re-admits her children, when.....	33
4 Geo. 4. c. 21.	2 12	naturalization of, natu- ralizes her children, when	33
13 Geo. 4. c. 3.	7		

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